

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ICU MEDICAL, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. No. 07-468-LPS
	:	
RyMed TECHNOLOGIES, INC.,	:	
	:	
Defendant.	:	

ORDER

For the reasons set forth in the Memorandum Opinion filed this same date,

IT IS HEREBY ORDERED THAT:

1. ICU's Motion in Limine No. 2 to Preclude Defendant From Presenting Evidence and Argument From Prior ICU Patent Litigations (D.I. 269) is DENIED in part and GRANTED in part. To the extent that Defendant seeks to present evidence about prior claim construction rulings in the *Alaris* litigation, this evidence is admissible, but only up to the point at which Judge Farnan issued his claim construction opinion in the instant litigation and only for the purpose of proving Defendant's defense to willfulness. ICU's motion is otherwise granted.

2. ICU's Motion in Limine No. 3 to Preclude Defendant From Referencing Invalid Claims of the '592 Patent and The Attorneys' Fees Award Against ICU in the *Alaris* Litigation (D.I. 270) is GRANTED.

3. ICU's Motion in Limine No. 4 to Preclude Testimony and Evidence Comparing the ICU Clave/MicroCLAVE to the Invision-Plus in Response to ICU's Claims of Infringement (D.I. 271) is GRANTED, to the extent it is not moot.

4. ICU's Motion in Limine No. 5 Regarding RyMed's "Inventorship" Claim as to Messrs. BUI, Duffield, Mayer and Kipe (D.I. 275) is DENIED.

5. ICU's Motion in Limine No. 6 Re Exclusion of Evidence Regarding Jean Bonaldo and Related Defenses (D.I. 280) is DENIED.

6. RyMed's Motion in Limine No. 2 to Preclude ICU from Introducing New Documents Relating to Dennis Bui (D.I. 274) is DENIED.

7. RyMed's Motion in Limine No. 3 to Exclude Evidence Relating to the Parties' California Lanham Act Action (D.I. 277) is GRANTED.

8. RyMed's Motion in Limine No. 4 to Preclude ICU from Offering Evidence of Prior Alleged Copying to Support Allegations of Copying in the Instant Case (D.I. 278) is GRANTED.

9. ICU's Motion to Preclude RyMed from Asserting Prosecution History Estoppel (D.I. 417) is DENIED.

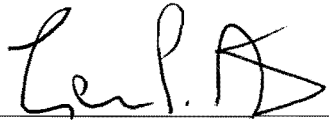
10. ICU's Motion to Exclude Section 282 Notice and References Cited Therein (D.I. 406) is DENIED.

11. ICU's Motion to Exclude Expert Testimony of Dr. William R. Jarvis (D.I. 292) is GRANTED.

12. ICU's Motion for Judgment on the Pleadings and/or For Partial Summary

Judgment as to Defendant's Ninth Affirmative Defense (D.I. 286) is DENIED.

Dated: November 23, 2010
Wilmington, Delaware



The Honorable Leonard P. Stark
UNITED STATES DISTRICT JUDGE